



**RESOLUTION NO. 4381**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE MAYOR AND CITY CLERK TO AMEND THE CONTRACT FOR PUBLIC DEFENSE SERVICES FOR CALENDAR YEAR 2008 BETWEEN THE CITY AND THE LAW OFFICES OF MATTHEW J. RUSNAK

WHEREAS, the State legislature finds that effective legal representation should be provided for indigent persons consistent with the constitutional requirements of fairness, equal protection, and due process in all cases where right to counsel attaches; and

WHEREAS, the City of Auburn Municipal Court presides over cases involving indigent persons and the City of Auburn provides Public Defense Services; and

WHEREAS, the City of Auburn contracts its Public Defense Services with the law offices of Matthew J. Rusnak through December 31, 2008; and

WHEREAS, the case load for the pretrial calendar of the City of Auburn Municipal Court has increased to a level that requires the operation of two simultaneous court rooms; and

WHEREAS, the operation of an additional court room will require the services of two additional public defenders; and

WHEREAS, the current contract providing public defender services was written for staffing one pretrial court room; and

WHEREAS, the PUBLIC DEFENDER must hire two additional attorneys from August 1, 2008 through December 31, 2008 to staff the 21 pretrial calendars during that period, at a cost of \$8,800; and

WHEREAS, the City's 2008 budget for public defense services will not be exceeded.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

**Section 1. Purpose.** The City Council hereby authorizes the execution of Addendum 1 to the public defense services contract between the City of Auburn and THE LAW OFFICES OF MATTHEW J. RUSNAK. A copy of said Addendum is attached hereto and denominated Exhibit "A" and incorporated by reference.

**Section 2. Implementation.** The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation.

**Section 3. Effective Date.** This resolution shall be in full force and effect upon passage and signatures hereon.

DATED and SIGNED this \_\_\_\_\_ day of \_\_\_\_\_ 2008.

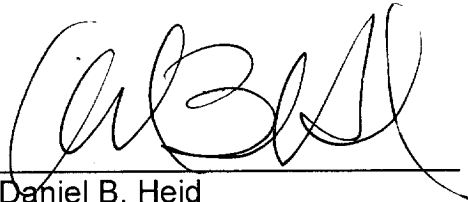
CITY OF AUBURN

\_\_\_\_\_  
PETER B. LEWIS  
MAYOR

ATTEST:

\_\_\_\_\_  
Danielle E. Daskam  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Daniel B. Heid  
City Attorney

**EXHIBIT 'A'**

**ADDENDUM NO. 1**

**ADDENDUM TO THE PUBLIC DEFENSE SERVICES AGREEMENT BETWEEN THE  
LAW OFFICES OF MATTHEW RUSNAK AND THE CITY OF AUBURN RELATING  
TO PUBLIC DEFENDER SERVICES**

**THIS ADDENDUM** is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2008, by and between the Law offices of Matthew Rusnak, (hereinafter referred to as "PUBLIC DEFENDER") and the **CITY OF AUBURN**, a municipal corporation of the State of Washington (hereinafter referred to as the "CITY"), as an addendum to the Agreement between the parties for Public Defender services executed on the 10th day of October, 2005.

**W I T N E S S E T H:**

WHEREAS, the case load for the pretrial calendar of the City of Auburn Municipal Court has increased to a level that requires the operation of two simultaneous court rooms; and

WHEREAS, the operation of an additional court room will require the services of two additional public defenders; and

WHEREAS, the current contract providing public defender services was written for staffing one pretrial court room; and

WHEREAS, the PUBLIC DEFENDER must hire two additional attorneys from August 5, 2008 through December 30, 2008 to staff the 21 pretrial calendars during that period, at a cost of Eight Thousand Eight Hundred Dollars (\$8,800.00); and

WHEREAS, the City's 2008 budget for public defense services will not be exceeded.

NOW THEREFORE IN CONSIDERATION OF THE MUTUAL COVENANTS, CONDITIONS AND PROMISES, THE PARTIES HERETO HEREBY AGREE AS FOLLOWS:

**ITEM ONE REVISION TO COMPENSATION:** That Section IV of the Public Defense Services Contract is amended to read as follows:

Compensation to the PUBLIC DEFENDER for public defense services beginning January 1, 2008 through December 31, 2008 shall be increased to Two Hundred Two Thousand Three Hundred Dollars (\$202,300.00), paid in monthly installments of Sixteen Thousand One Hundred Twenty-Five Dollars (\$16,125.00) from January 1, 2008 through July 31, 2008 and Seventeen Thousand Eight Hundred Eighty-Five (\$17,885.00) from August 1, 2008 through December 31, 2008.

**ITEM TWO      REMAINING TERMS UNCHANGED:** That all other provisions of the Agreement between the parties for public defense services executed on the 10<sup>th</sup> day of October, 2005, shall remain unchanged, and in full force and effect.

**IN WITNESS WHEREOF** the parties hereto have executed this Agreement as of the day and year first above written.

**PUBLIC DEFENDER**

**CITY OF AUBURN**

By: \_\_\_\_\_

By:

Its: \_\_\_\_\_

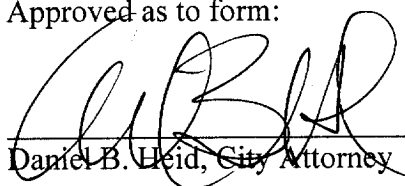
\_\_\_\_\_  
Peter B. Lewis, Mayor

Attest:

By:

\_\_\_\_\_  
Danielle E. Daskam, City Clerk

Approved as to form:

  
\_\_\_\_\_  
Daniel B. Heid, City Attorney